

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHRISTOPHER CAVALLARO,)	
)	
Plaintiff,)	
)	Civil Action No. 04-cv-12512RWZ
v.)	
)	
PERFORMANCE MARINE ASSOCIATES)	
INSURANCE SERVICES, INC. AND ACE)	
AMERICAN INSURANCE COMPANY)	
)	
Defendants.)	

ASSENTED TO SECOND JOINT MOTION TO EXTEND EXISTING DEADLINES

Defendant ACE American Insurance Company (“ACE American”) and Plaintiff Christopher Cavallaro (“Cavallaro”) hereby jointly move this Court for a second ninety-day extension of the deadlines established in this Court’s January 28, 2005 Scheduling Order. As grounds in support of this motion, the parties state:

1. This Action arises from a July 19, 2003 boating accident involving a boat owned by Cavallaro and allegedly insured by ACE American. In this Action, Cavallaro seeks recovery, under both breach of contract and chapter 93A theories, from ACE American and Defendant Performance Marine Associates Insurance Services, Inc. (“PMA”) for damage to his boat and certain allegedly related financial losses.

2. Another proceeding involving the same boating accident currently is pending in Norfolk Superior Court. That action is entitled Jennifer Griffiths-Fellini and Amy Wedge v. Michael Fellini and Christopher Cavallaro, C.A. No. 05 00099 (the “Norfolk Action”). It involves claims asserted against Cavallaro and a co-defendant by two of the passengers aboard Cavallaro’s boat who allegedly suffered significant injuries as a result of the July 19, 2003 boating accident. The claimed damages in that action greatly exceed the amounts at issue here.

3. ACE American and Cavallaro currently are working together to resolve both this Action and the Norfolk Action, and would like to avoid incurring unnecessary litigation expense in the interim. It is anticipated that mediation of both Actions together might resolve them.

4. This Action was filed on November 30, 2004, and one prior extension was granted on July 11, 2005. No party will be prejudiced by this extension. PMA anticipates filing a summary judgment motion before the new deadline which would require a timely response in accordance with LR 7.1(B)(2), the new deadlines for other dispositive motion filings notwithstanding. There is no trial date currently scheduled.

5. PMA assents to this motion.

WHEREFORE, Plaintiff Christopher Cavallaro and Defendant ACE American Insurance Company respectfully request a 90-day extension of all existing deadlines in this matter, and that the Court grant such other and further relief as it deems just and proper.

Respectfully submitted September 30, 2005,

Christopher Cavallaro, Plaintiff
By his attorneys,

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Assented to:

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So Ordered.

United States District Judge

Dated: